

TO: THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO

RE: PETITION FOR ANNEXATION

DATE: December 23, 2014

The undersigned landowner ("Petitioner"), in accordance with the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes ("Act"), as amended and as in effect on the submission date set forth below, hereby petitions the Board of Trustees of the Town of Erie for annexation to the Town of Erie ("Town") the following unincorporated territory located in the County of Boulder and State of Colorado, the property being more particularly described by its legal description in **EXHIBIT A**, which is attached hereto and incorporated herein by reference ("Property").

In support of this petition for annexation ("Petition"), Petitioner further alleges to the Board of Trustees of the Town that:

1. It is desirable and necessary that the territory described above be annexed to the Town.
2. The requirements of C.R.S. §§ 31-12-104 and 31-12-105 as amended, exist or have been met in that:
 - (a) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town or will be contiguous with the Town within such time as required by C.R.S. § 31-12-104.
 - (b) A community of interest exists between the area proposed to be annexed and the Town.
 - (c) The area proposed to be annexed is urban or will be urbanized in the near future.
 - (d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town.
 - (e) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.
 - (f) No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty (20) acres or more, and

which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.

- (g) The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation in an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.
 - (h) The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district or attachment of same to another school district.
 - (i) Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent (50%) of which are within the three-mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary in any one year.
 - (j) Prior to completion of the annexation of the territory proposed to be annexed, the Town will have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town; and the proposed land uses for the area; such plan to be updated at least once annually.
 - (k) In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed.
 - (l) The Town will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town but is not bounded on both sides by the Town.
3. Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, alleys and any land owned by the annexing municipality, and the

Petitioner hereby consents to the establishment of the boundaries of the Property as shown in the annexation maps submitted herewith. The legal description of the land owned by the Petitioner is set forth in **EXHIBIT B**, attached hereto and incorporated herein by reference.

4. Accompanying this Petition are four (4) copies of an annexation map (Nelson-Kuhl Annexation Map) containing the following information:
 - (a) A written legal description of the boundaries of the area proposed to be annexed;
 - (b) A map showing the boundary or the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - (c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - (d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of each person whose name it purports to be and certifying the accuracy of the date of such signatures is attached hereto as **EXHIBIT C** and is incorporated herein by this reference.
6. The proposed annexation of the Property complies with § 30(1)(b) of Article II of the Colorado Constitution.
7. Upon the annexation ordinance becoming effective, the Property proposed to be annexed will become subject to all ordinances, rules and regulations of the Town, except for general property taxes of the Town which shall become effective as the January 1 next ensuing following adoption of the annexation ordinance.
8. This Petition is conditioned upon the zoning classification for the area proposed to be annexed being approved as Community Commercial (“CC”), and approval by the Petitioner of an annexation agreement acceptable to the Petitioner and the Town, subject to future.

WHEREFORE, the following Petitioner respectfully requests that the Town, acting through its Board of Trustees, approve the annexation of the Property pursuant to the provisions of the Act.

[Signature Page to Follow]

Respectfully submitted this 23rd day of December, 2014. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

Signature of Petitioner:

TOWN OF ERIE URBAN RENEWAL

AUTHORITY, a special purpose governmental entity of the Town of Erie, Colorado

By: /s/ A. J. Krieger

Name: A.J. Krieger

Title: Executive Director, Town of Erie Urban
Renewal Authority

Date of Signature: 12/23/2014

Mailing Address: Town of Erie Urban Renewal
Authority
645 Holbrook St.
P.O. Box 750
Erie, CO 80516

Resident of the Property? No

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 23rd day of December, 2014 by
A. J. Krieger.

My commission expires: June 16, 2018

Witness My hand and official seal.

/s/ Nancy J. Parker
Notary Public

EXHIBIT A

Legal Description of Property to be Annexed

A PARCEL OF LAND SITUATED IN SECTION 34, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE S00°22'13"W ALONG THE EAST LINE OF ANNEXATION BY THE CITY OF LAFAYETTE RECORDED MAY 2, 1989 AT RECEPTION NO. 980491 AND 980493 A DISTANCE OF 643.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF ANNEXATION BY THE TOWN OF ERIE RECORDED AUGUST 15, 1994 AT RECEPTION NO. 1454442 FOR THE FOLLOWING FOUR (4) COURSES: 1) S68°59'17"E A DISTANCE OF 204.91 FEET; 2) N85°45'43"E A DISTANCE OF 195.00 FEET; 3) S72°38'43"E A DISTANCE OF 718.00 FEET; 4) N25°05'43"E A DISTANCE OF 505.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF ARAPAHOE ROAD; THENCE S89°57'57"E ALONG THE SOUTH LINE OF AREA ANNEXED BY THE TOWN OF ERIE SEPTEMBER 4, 1997 AT RECEPTION NO. 1727895 A DISTANCE OF 413.06 FEET; THENCE S00°00'21"W A DISTANCE OF 439.85 FEET; THENCE N89°58'08"W A DISTANCE OF 252.20 FEET; THENCE S00°01'03"E A DISTANCE OF 846.38 FEET TO THE NORTH LINE OF A REPLAT OF BEACON HILL SUBDIVISION RECORDED MARCH 17, 1982 AT RECEPTION NO. 487195; THENCE S89°54'45"W ALONG SAID NORTH LINE A DISTANCE OF 1442.71 FEET TO A POINT ON THE EAST LINE OF SAID ANNEXATION AT RECEPTION NO. 980491; THENCE ALONG SAID EAST LINE FOR THE FOLLOWING TWO (2) COURSES: 1) N00°22'04"W A DISTANCE OF 648.33; 2) N00°22'13"E A DISTANCE OF 26.98 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,279,045 SQUARE FEET OR 29.363 ACRES, MORE OR LESS.

EXHIBIT B

Land Owned By Petitioner (Town of Erie Urban Renewal Authority)

A PARCEL OF LAND SITUATED IN THE NORTHEAST OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE S00°19'49"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34 A DISTANCE OF 647.05 FEET; THENCE S68°59'17"E A DISTANCE OF 60.94 FEET TO THE TRUE POINT OF BEGINNING; THENCE S68°59'17"E A DISTANCE OF 135.40 FEET; THENCE N85°45'43"E A DISTANCE OF 195.00 FEET; THENCE S72°38'43"E A DISTANCE OF 718.00 FEET; THENCE N25°05'43"E A DISTANCE OF 505.89 FEET; THENCE S89°57'57"E A DISTANCE OF 413.06 FEET; THENCE S00°00'21"W A DISTANCE OF 439.85 FEET; THENCE N89°58'08"W A DISTANCE OF 252.20 FEET; THENCE S00°01'03"E A DISTANCE OF 846.38 FEET; THENCE S89°54'45"W A DISTANCE OF 1377.46 FEET; THENCE N00°23'01"W A DISTANCE OF 650.29 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,235,857 SQUARE FEET OR 28.371 ACRES, MORE OR LESS.

EXHIBIT C

Affidavit of Circulator

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

NANCY J. PARKER, being first duly sworn upon oath, deposes and says that [s]he was the circulator of this Petition for Annexation of lands to the Town of Erie, Colorado, consisting of seven (7) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name it purports to be.

CIRCULATOR

By: /s/ Nancy J. Parker
Name: Nancy J. Parker

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 23rd day of December, 2014 by Nancy J. Parker.

My commission expires: March 7, 2016

Witness my hand and official seal.

/s/ Melina R. Helmer
Notary Public